

D07 Possess multiple driver licenses (includes DL, CDL, and Instruction Permit)
 D16 Show or use improperly—Driver license (includes DL, CDL, and Instruction Permit)
 D27 Violate limited license conditions
 D29 Violate restrictions of driver license (includes DL, CDL, and Instruction Permit)
 D72 Inability to control vehicle
 D78 Perjury about the operation of a motor vehicle
 E03 Operating without HAZMAT safety equipment as required by law
 M09 Failure to obey railroad crossing restrictions
 M10 For all drivers, failure to obey a traffic control device or the directions of an enforcement official at a railroad-highway grade crossing
 M20 For drivers who are not required to always stop, failure to slow down at a railroad-highway grade crossing and check that tracks are clear of approaching train.
 M21 For drivers who are not required to always stop, failure to stop before reaching tracks at a railroad-highway grade crossing when the tracks are not clear
 M22 For drivers who are always required to stop, failure to stop as required before driving onto railroad-highway grade crossing
 M23 For all drivers, failing to have sufficient space to drive completely through the railroad-highway grade crossing without stopping
 M24 For all drivers, failing to negotiate a railroad-highway grade crossing because of insufficient undercarriage clearance
 M80 Reckless, careless, or negligent driving
 M81 Careless driving
 M82 Inattentive driving
 M83 Negligent driving
 M84 Reckless driving
 S95 Speed contest (racing) on road open to traffic
 U07 Vehicular homicide
 U08 Vehicular manslaughter
 U09 Negligent homicide while operating a CMV
 U10 Causing a fatality through the negligent operation of a CMV
 U31 Violation resulting in fatal accident

[70 FR 43756, July 29, 2005]

APPENDIX B TO PART 1327—OMB CLEARANCE

The OMB clearance number of this regulation is OMB 2127–0001.

PART 1335—STATE HIGHWAY SAFETY DATA IMPROVEMENTS

Sec.
1335.1 Scope.

1335.2 Purpose.
 1335.3 Definitions.
 1335.4 Coordinating committee.
 1335.5 Assessment.
 1335.6 Strategic plan.
 1335.7 Grant requirements.
 1335.8 Grant amounts.
 1335.9 Availability of funds.
 1335.10 Grant limitations.
 1335.11 Application procedures.
 1335.12 Contents of application.

AUTHORITY: 23 U.S.C. 411; delegation of authority at 49 CFR 1.48.

SOURCE: 63 FR 54048, Oct. 8, 1998, unless otherwise noted.

§ 1335.1 Scope.

This part prescribes the requirements necessary to implement Section 411 of Title 23, United States Code, which encourages States to adopt and implement effective data improvement programs.

§ 1335.2 Purpose.

The purpose of this part is to improve the timeliness, accuracy, completeness, uniformity, and accessibility of the data needed by each State to identify highway safety priorities; to evaluate the effectiveness of these improvements; to link highway safety data systems with other data systems within each State; and to improve the compatibility of the data system of each State with national data systems and data systems of other States to enhance the observation and analysis of national trends in crash occurrences, rates, outcomes, and circumstances.

§ 1335.3 Definitions.

As used in this part:

(a) *Highway safety data and traffic records* means data and records relating to crashes, roadways, drivers, vehicles, traffic offense citations/convictions, emergency medical services, locations and other data and records relating to highway safety.

(b) *Coordinating committee* means a committee that meets the requirements of § 1335.4 of this part.

(c) *Assessment* means a review of a State's highway safety data and traffic records system that meets the requirements of § 1335.5 of this part. For the purpose of this Part, an assessment includes an audit or a strategic planning analysis.

(d) *Strategic plan* means a multi-year plan that meets the requirements of § 1335.6 of this part.

(e) *Model data elements* means the data elements contained in the final Model Minimum Uniform Crash Criteria (MMUCC) published by the National Highway Traffic Safety Administration and the Federal Highway Administration (DOT HS 808 745, August 1998).

(f) *State* means any of the fifty States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa or the Commonwealth of the Northern Mariana Islands.

§ 1335.4 Coordinating committee.

A coordinating committee shall—

(a) Include representatives from the administrators, collectors, and users of State highway safety data and traffic records, including representatives of highway safety, highway infrastructure, traffic enforcement, public health, injury control, and motor carrier organizations;

(b) Have authority to review any of the State's highway safety data and traffic records systems and to review any changes to such systems before the changes are implemented;

(c) Provide a forum for the discussion of highway safety data and traffic records issues and report on any such issues to the organizations in the State that create, maintain, and use highway safety data and traffic records;

(d) Consider the views of the organizations in the State that are involved in the administration, collection and use of the highway safety data and traffic records system; coordinate these views among the organizations; and represent the interests of the organizations within the traffic records system to outside organizations;

(e) Review and evaluate new technologies to keep the highway safety data and traffic records systems up-to-date; and

(f) Develop, implement, and administer the strategic plan specified in § 1335.6 of this part.

§ 1335.5 Assessment.

An assessment shall—

(a) Be an in-depth, formal review of a State's highway safety data and traffic records system that considers the criteria contained in the model data elements;

(b) Generate an impartial report of the status of the highway safety data and traffic records system in the State; and

(c) Be conducted by an organization or group that is knowledgeable about highway safety data and traffic records systems, but independent from the organizations involved in the administration, collection and use of the highway safety data and traffic records systems in the State.

§ 1335.6 Strategic plan.

A strategic plan shall—

(a) Be a multi-year plan that identifies and prioritizes the highway safety data and traffic records needs and goals based upon an assessment;

(b) Identify performance-based measures by which progress toward those goals will be determined; and

(c) Be submitted to the coordinating committee for approval.

§ 1335.7 Grant requirements.

(a) *Start-up grant*. To receive a start-up grant in a fiscal year under this part, a State shall submit an application that complies with § 1335.12, and must have—

(1) Not met the requirements of paragraph (b) or (c) of this section; and

(2) Not received any grant under this Part in a previous fiscal year.

(b) *Initiation grant*. To qualify for an initiation grant in a fiscal year under this part, a State shall submit an application that complies with § 1335.12, and must have—

(1) Established a coordinating committee;

(2) Completed or updated an assessment within the five years preceding the date of its application;

(3) Initiated the development of a strategic plan; and

(4) Not received an initiation or an implementation grant under this part in a previous fiscal year.

(c) *Implementation grant*. To qualify for an implementation grant in a fiscal

§ 1335.8

23 CFR Ch. III (4–1–07 Edition)

year under this part, a State shall submit an application that complies with § 1335.12, and must have—

- (1) Established a coordinating committee;
- (2) Completed or updated an assessment within the five years preceding the date of its application; and
- (3) Developed a strategic plan.

§ 1335.8 Grant amounts.

(a) *Start-up grant.* A State that qualifies for a start-up grant under § 1335.7(a) of this part shall be eligible to receive \$25,000.

(b) *Initiation grant.* A State that qualifies for an initiation grant under § 1335.7(b) of this part shall be eligible to receive \$125,000.

(c) *Implementation grant.* A State that qualifies for an implementation grant under § 1335.7(c) of this part shall be eligible to receive an amount determined by multiplying the amount appropriated to carry out 23 U.S.C. 411 by the ratio that the funds apportioned to the State under 23 U.S.C. 402 for fiscal year 1997 bears to the funds apportioned to all States under 23 U.S.C. 402 for fiscal year 1997, except that—

(1) If the State has not received an initiation or an implementation grant under this part in a previous fiscal year, the State shall receive no less than \$250,000; and

(2) If the State has received an initiation or an implementation grant under this part in a previous fiscal year, the State shall receive no less than \$225,000.

§ 1335.9 Availability of funds.

(a) The release of grant funds under this part in a fiscal year shall be subject to the availability of funds for that fiscal year. If there are expected to be insufficient funds to award the grant amounts specified in § 1335.8 to all eligible States in any fiscal year, NHTSA may release less than these grant amounts upon approval of the State's application and plan, up to the State's proportionate share of available funds. Project approval and the contractual obligation of the Federal government to provide grant funds shall be limited to the amount of funds released.

(b) If any amounts authorized for grants under this part for a fiscal year are expected to remain unobligated in that fiscal year, the Administrator may transfer such amounts to the programs authorized under 23 U.S.C. 405 and 23 U.S.C. 410, to ensure to the extent possible that each State receives the maximum incentive funding for which it is eligible.

(c) If any amounts authorized for grants under 23 U.S.C. 405 and 23 U.S.C. 410 are transferred to the grant program under this part in a fiscal year, the Administrator shall distribute the transferred amounts so that each eligible State receives a proportionate share of these amounts, subject to the conditions specified in § 1335.8 and paragraph (a) of this section.

§ 1335.10 Grant limitations.

(a) No State may receive a grant under this part in more than six fiscal years.

(b) Grants may be used by States only to adopt and implement effective highway safety data and traffic records programs:

(1) To improve the timeliness, accuracy, completeness, uniformity, and accessibility of the data of the State that is needed to identify priorities for national, State and local highway and traffic safety programs;

(2) To evaluate the effectiveness of efforts to make such improvements;

(3) To link these State data systems, including traffic records, with other data systems within the State, such as systems that contain medical and economic data; and

(4) To improve the compatibility of the data system of the State with national data systems and data systems of other States and to enhance the ability of the Secretary to observe and analyze national trends in crash occurrences, rates, outcomes, and circumstances.

(c) In the first and second Federal fiscal years a State receives a grant under this part, the Federal share of the costs of adopting and implementing an effective highway safety data and traffic records program shall not exceed 75 percent.

(d) In the third and fourth Federal fiscal year in which a State receives a

grant under this part, the Federal share of the costs of adopting and implementing an effective highway safety data and traffic records program shall not exceed 50 percent.

(e) In the fifth and sixth Federal fiscal years a State receives a grant under this part, the Federal share of the costs of adopting and implementing an effective highway safety data and traffic records program shall not exceed 25 percent.

§ 1335.11 Application procedures.

(a) A State applying for a grant under this part shall submit an original and two copies of its application to the NHTSA Regional Administrator for the Region in which the State is located.

(b) To be considered for a grant in any fiscal year, an application must be received by the agency not later than January 15 of that fiscal year.

(c) Within 30 days of being informed by NHTSA that it is eligible for a grant, a State shall submit to the agency a Program Cost Summary (HS Form 217) obligating the funds under this part to highway safety data and traffic records programs.

(d) The State shall document how it intends to use the funds under this part in the Highway Safety Plan it submits pursuant to 23 CFR 1200.

§ 1335.12 Contents of application.

(a) *Start-up grant.* An application for a start-up grant under § 1335.7(a) shall certify that the State—

(1) Does not meet the requirements of § 1335.7 (b) or (c) of this part; and

(2) Will use the grant funds to conduct activities necessary to qualify for a grant under § 1335.7 (b) or (c) of this part in the next fiscal year.

(b) *Initiation grant.* An application for an initiation grant under § 1335.7(b) shall—

(1) Certify that the State has established a coordinating committee, and include the name, title and organizational affiliation of each member of the coordinating committee;

(2) Certify that the State has conducted or updated an assessment within the last five years, and submit a copy of the assessment and any updates of the assessment; and

(3) Certify that the State has initiated the development of a strategic plan, with the supervision and approval of the coordinating committee.

(c) *Implementation grant.* (1) An application for an implementation grant under § 1335.7(c), if the State has not received an initiation or an implementation grant under this part in a previous fiscal year, shall—

(i) Certify that the State has established a coordinating committee, and include the name, title and organizational affiliation of each member of the coordinating committee;

(ii) Certify that the State has conducted or updated an assessment within the last five years, and submit a copy of the assessment and any updates of the assessment;

(iii) Submit a strategic plan that specifies how the grant funds awarded to the State under this part for the fiscal year will be used to address the needs and goals identified in the plan; and

(iv) Certify that the coordinating committee continues to operate and supports the strategic plan.

(2) An application for an implementation grant under § 1335.7(c), if the State has received an initiation or an implementation grant under this part in a previous fiscal year, shall—

(i) Certify that the coordinating committee continues to operate and supports the strategic plan and identify any changes to the membership of the coordinating committee;

(ii) Submit a strategic plan or an update to the plan that specifies how the grant funds awarded to the State under this part for the fiscal year will be used to address the needs and goals identified in the plan; and

(iii) Report on the progress of the State in implementing the strategic plan since the State's previous application.

(d) *Any grant under this part.* An application for a grant under § 1335.7 (a), (b), or (c) of this part shall certify that the State will:

(1) Use the funds awarded under 23 U.S.C. 411 only to adopt and implement an effective highway safety data and traffic records program, in accordance with 23 CFR 1335.10(b);

(2) Administer the funds in accordance with 49 CFR part 18 and OMB Circulars A-102 and A-87; and

(3) Maintain its aggregate expenditures from all other sources, except those authorized under Chapter 1 of Title 23 of the United States Code, for highway safety data and traffic records programs at or above the average level of such expenditures in Federal fiscal years 1996 and 1997 (either State or federal fiscal year 1996 and 1997 can be used).

[63 FR 54048, Oct. 8, 1998, as amended at 65 FR 48911, Aug. 10, 2000]

PART 1340—UNIFORM CRITERIA FOR STATE OBSERVATIONAL SURVEYS OF SEAT BELT USE

Sec.

1340.1 Purpose.

1340.2 Applicability.

1340.3 Basic design requirements.

1340.4 Population, demographic, and time/day requirements.

1340.5 Documentation requirements.

APPENDIX A TO PART 1340—SAMPLE DESIGN

AUTHORITY: 23 U.S.C. 157; delegation of authority at 49 CFR 1.50.

SOURCE: 63 FR 46392, Sept. 1, 1998, unless otherwise noted.

§ 1340.1 Purpose.

This part establishes uniform criteria for surveys of seat belt use conducted by States under 23 U.S.C. 157.

§ 1340.2 Applicability.

These uniform criteria apply to State surveys of seat belt use, beginning in calendar year 1998 (except as otherwise provided in this part), and continuing annually thereafter through calendar year 2001.

§ 1340.3 Basic design requirements.

Surveys conducted in accordance with this part shall incorporate the following minimum design requirements:

(a) *Probability-based requirement.* The sample identified for the survey shall have a probability-based design such that estimates are representative of safety belt use for the population of interest in the state and sampling errors may be calculated for each estimate produced.

(b) *Observational requirement.* Minimum requirements include the following:

(1) The sample data shall be collected through direct observation of seat belt use on roadways within the State, conducted completely within the calendar year for which the seat belt use rate is being reported;

(2) Seat belt use shall be determined by observation of the use or non-use of a shoulder belt;

(3) Observers shall be required to follow a predetermined, clear policy in the event that observations cannot be made at an assigned site at the specified time (due to heavy rain, construction, safety problems, etc.);

(4) Instructions to observers shall specify which road and which direction of traffic on that road are to be observed (observers must not be free to choose between roads at an intersection); and

(5) Observers shall follow clear instructions on how to start and end an observation period and how to stop and start observations if traffic flow is too heavy to observe all vehicles or if vehicles begin moving too quickly for observation (to remove any possible bias, such as starting with the next belted driver).

(c) *Precision requirement.* The relative error (standard error divided by the estimate) for safety belt use must not exceed 5 percent.

§ 1340.4 Population, demographic, and time/day requirements.

Surveys conducted in accordance with this part shall comply with the following minimum population, demographic, and time/day requirements:

(a) *Population of interest.* (1) Drivers and front seat outboard passengers in passenger motor vehicles (passenger cars, pickup trucks, vans, and sport utility vehicles) must be observed in the survey. (Only overall restraint use for the population of interest is required. However, in order to assist in the evaluation of trends, it is recommended that data be collected in such a way that restraint use estimates can be reported separately for passenger cars and other covered vehicles, and separately for drivers and front-